

HOUSE BILL 1738  
By Stulce

AN ACT to amend Tennessee Code Annotated, Title 26, Chapter 2, relative to exemptions from execution, seizure and attachment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 26-2-102, is amended by deleting the words, figures and symbol "four thousand dollars (\$4,000)" and by substituting instead the words, figures and symbol "eight thousand dollars (\$8,000)".

SECTION 2. Tennessee Code Annotated, Section 26-2-301, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) An individual, regardless of whether such individual is the head of a household, shall be entitled to a homestead exemption upon real property which is owned by the individual and used by such individual, such individual's spouse, or a dependent, as a principal place of residence. Provided, however, individuals who jointly own and use real property as their principal place of residence shall each be entitled to a homestead exemption. The aggregate value of such homestead exemption pursuant to this subdivision shall not exceed seven thousand five hundred dollars (\$7,500) for each individual eligible for such exemption. The homestead exemption shall not be subject to execution, attachment or sale under legal proceedings during the life of an individual. Upon the death of an individual who is head of a family, any such exemption shall inure

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to the benefit of the surviving spouse and their minor children for as long as the spouse or the minor children use such property as a principal place of residence.

(2) The aggregate value of such homestead shall be unlimited for an individual who is sixty-five (65) years of age or older. If only one (1) joint owner of real property used by such joint owner, the joint owner's spouse, or a dependent, as a principal place of residence is involved in the proceeding wherein homestead exemption is claimed, and such joint owner is over sixty-five (65) years of age, then such joint owner's exemption shall be unlimited.

(3) The aggregate value of such homestead shall be unlimited for an individual who is one hundred percent (100%) disabled. Satisfactory proof of disability shall include a letter or certificate or other document from the social security administration or the department of veterans' affairs attesting to the fact of one hundred percent (100%) disability. If only one (1) joint owner of real property used by such joint owner, the joint owner's spouse, or a dependent, as a principal place of residence is involved in the proceeding wherein the homestead exemption is claimed, and such joint owner is one hundred percent (100%) disabled, then such joint owner's exemption shall be unlimited.

SECTION 3. Tennessee Code Annotated, Section 26-2-111(2)(B), is amended by deleting the words, figures and symbol "seven thousand five hundred dollars (\$7,500)" and by substituting instead the words, figures and symbol "ten thousand dollars (\$10,000)".

SECTION 4. Tennessee Code Annotated, Section 26-2-111(2)(C), is amended by deleting the words, figures and symbol "ten thousand dollars (\$10,000)" and by substituting instead the words, figures and symbol "fifteen thousand dollars (\$15,000)".

SECTION 5. Tennessee Code Annotated, Section 26-2-111, is amended by adding a new item thereto, as follows:

( ) Motor vehicles which have been modified mechanically to accommodate the transportation of disabled persons;

SECTION 6. This act shall take effect July 1, 1997, the public welfare requiring it.